

CITY COUNCIL, CITY OF LODI
CITY HALL COUNCIL CHAMBERS
WEDNESDAY, AUGUST 3, 1983

A regular meeting of the City Council of the City of Lodi was held beginning at 8:00 p.m. on Wednesday, August 3, 1983 in the City Hall Council Chambers.

ROLL CALL Present: Council Members - Murphy, Pinkerton,
Snider, and Olson
(Mayor)

Absent: Council Members - Reid

Also Present: City Manager Glaves, Assistant City
Manager Glenn, Community Development
Director Schroeder, Public Works
Director Ronsko, City Attorney Stein,
and City Clerk Reimche

INVOCATION The invocation was given by Pastor Jim Holm, Vinewood
Community Church

PLEDGE The Pledge of Allegiance was led by Mayor Olson.

PRESENTATIONS There were no awards or presentations

CONSENT CALENDAR

REPORTS OF THE
CITY MANAGER

In accordance with report and recommendation of the City Manager, Council, on motion of Council Member Pinkerton, Murphy second, approved the following actions hereinafter set forth.

CLAIMS CLAIMS WERE APPROVED IN THE AMOUNT OF \$1,566,598.41

MINUTES THE MINUTES OF JULY 6, 1983 WERE APPROVED AS WRITTEN.

AWARD - CATCH City Manager Graves presented the following bids which had
BASIN been received for "Catch Basin Replacement 82-83".

| <u>BIDDER</u> | <u>BID</u> |
|--------------------------|-------------|
| Wayne Fregien | \$22,993.60 |
| Crutchfield Construction | \$23,444.00 |
| Case Construction | \$24,580.90 |
| K.B. Construction | \$26,436.00 |
| Granite Construction | \$29,363.00 |
| L. & P. Construction | \$32,494.00 |
| Claude C. Wood | \$32,731.05 |

RES. NO. 83-74 Following recommendation of the City Manager, Council adopted Resolution No. 83-74 awarding the contract for "Catch Basin Replacement 82-83" to Wayne Fregien in the amount of \$22,993.60 and appropriated an additional \$10,000 to complete the project.

AWARD - ELM City Manager Graves presented the following bids which had
STREET STORM been received for "Elm Street Storm Drain - Main Street to
DRAIN - MAIN Washington Street":

| <u>STREET</u> | <u>BIDDER</u> | <u>BID</u> |
|---------------|----------------------------|-------------|
| | Wayne Fregien Construction | \$24,710.50 |
| | Crutchfield Construction | \$27,102.00 |
| | Claude C. Wood Company | \$31,523.00 |
| | Pacific Sun Construction | \$31,879.00 |
| | Granite Construction Co. | \$37,346.00 |
| | Garrison Construction Co. | \$37,689.00 |

Continued August 3, 1983

RES. NO. 83-75 On recommendation of the City Manager, Council adopted Resolution No. 83-75 awarding the contract for "Elm Street Storm Drain, Main Street to Washington Street" to Wayne Fregien in the amount of \$24,710.50.

AWARD - HUTCHINS City Manager Graves presented the following bids which had been received for "Hutchins Street Improvements, Kettleman Lane to Rimby Avenue":

| Bidder | Bid Base & A | Bid Base & B |
|--------------------------|-----------------|-----------------|
| Pacific Asphalt, Inc. | \$45,311.50 | \$45,314.50 |
| Claude C. Wood Co. | \$50,068.50 | \$48,863.50 |
| Stanfield & Moody, Inc. | \$58,165.00 | \$56,475.00 |
| Granite Construction Co. | \$58,138.75 | \$57,328.75 |

RES. NO. 83-76 Following recommendation of the City Manager, Council adopted Resolution No. 83-76 awarding the contract for "Hutchins Street Improvements, Kettleman Lane to Rimby Avenue" to Pacific Asphalt Company and authorized the Public Works Director to negotiate with the Contractor for the alternate which will result in the least construction time.

ORDER OF VACA- A diagram of an easement in the area of 1340 S. Hutchins Street was presented for Council's perusal. Council was apprised that the easement was acquired in 1939 and from our records, it appears that it was never used. The City has checked with all utilities and none are using it or have any prospective use for it.

RES. NO. 83-77 COUNCIL ADOPTED RESOLUTION NO. 83-77 APPROVING AN ORDER OF VACATION OF AN EASEMENT LOCATED AT 1340 S. HUTCHIN STREET, LODI.

Council was apprised that Ron Dancer, owner of Plaza Liquors at 800 S. Cherokee Lane has requested "No Parking" zones to provide better sight distance for his customers as they exit the driveways onto Cherokee Lane. The situation is similar to that at other locations along Cherokee Lane where property owners have requested the removal of on-street parking near driveways to prevent accidents (Big-O Tires, Royal Host Inn, Tokay Bowl, Ellis Car Wash, etc...)

The proposed red curb would result in the loss of a total of three on-street parking stalls, but space for five vehicles would still be retained between the two zones.

There are approximately 25 off-street stalls provided for the two establishments on Mr. Dancer's property (Plaza Liquors and Lodi Quick Lube).

In addition, Mohanbhai and Manjulaben Patel, owners of the Rancho Grande Motel at 807 S. Cherokee Lane, and Sanjay Patel, owner of the Viking Motel at 815 S. Cherokee Lane have requested a No Parking Zone to provide sight distance for their customers exiting the motel driveways onto Cherokee Lane.

NO PARKING ZONES ESTABLISHED 800 S. CHEROKEE LN. LODI The two motels are the only properties affected, and one on-street parking stall will be lost.

RES. NO. 83-78 COUNCIL ADOPTED RESOLUTION NO. 83-78 ESTABLISHING "NO PARKING" ZONES IN THE AREA OF 800 S. CHEROKEE LANE, LODI.

CC 43(2)
CC 300

Council was apprised that Grupe Communities, Inc., the developer of Lakeshore Village Unit No. 3 has furnished the City with the final map and the improvement plans as well as the necessary agreement, guarantees for faithful performance and labor and materials, insurance certificate and subdivision fees for the proposed subdivision.

Continued August 3, 1983

The subdivision is located on the south side of Lakeshore Drive between Mills Avenue and Newport Drive. It contains approximately 4.7 acres with 31 single-family lots and is zoned PD-21.

APPROVAL OF
LAKESHORE
VILLAGE UNIT
NO. 3

COUNCIL APPROVED THE FINAL MAP FOR LAKESHORE VILLAGE UNIT NO. 3 AND DIRECTED THE CITY MANAGER AND CITY CLERK TO EXECUTE THE SUBDIVISION AGREEMENT ON BEHALF OF THE CITY

APPROVAL
GRANTED FOR
BOOK PUBLISHING
COMPANY TO PRE-
PARE A LEGISLA-
TIVE ANALYSIS
OF THE LODI CITY
CODE

COUNCIL ADOPTED RESOLUTION NO. 83-79 APPROVING A CONTRACT WITH BOOK PUBLISHING COMPANY FOR AN ORDINANCE ANALYSIS AND REPORT AND CODE STRUCTURAL PLAN FOR THE CITY OF LODI AND AUTHORIZED THE MAYOR AND CITY CLERK TO EXECUTE THE CONTRACT ON BEHALF OF THE CITY. THE COST OF THIS ANALYSIS WILL BE \$2,000.00.

RES. NO. 83-79

R/W ACQUISITION
S. STOCKTON
STREET

Council was apprised that during the investigation of the properties at South Stockton Street for acquisition, one parcel was determined to have some problems in its legal description leading to possible overlapping rights along Redwood Street. As a consequence, the City has asked the owner to quitclaim her rights to a half width on Redwood Street with the understanding that the City would quitclaim any rights they have to the remaining parcel.

COUNCIL AUTHORIZED THE RECORDING OF A QUITCLAIM DEED TO THE OWNER OF THE PARCEL AT 730 SOUTH STOCKTON STREET, LODI.

Council was informed that the owners of 600 Rutledge Drive are desirous of building a swimming pool and would like to use a portion of the rear easement. A preliminary review indicates that from 2' to 6' could reasonably be abandoned without affecting the utilities in the easement (CATV, PT, PG&E). It appears reasonable to include the entire block in order to facilitate future background construction. The owners of the property have provided funds for the necessary advertising, and PG&E, Pacific Telephone, and Lodi Cable TV have been notified of the proposed abandonment and their approval will be secured prior to the final action.

RES. OF INTEN-
TION TO ABANDON
PORTION OF
EASEMENT AT
LOTS 14 THRU 20,
WESTLAKE UNIT
NO. 2

Council adopted Resolution No. 83-80 - A Resolution of Intention to abandon the easements on Lots 14 through 20, Westlake Unit No. 2 and Lots 35 thru 48, Westlake Unit No. 1, referring the matter to the Planning Commission for its recommendation, and setting the matter for Public Hearing before the Council on September 7, 1983.

RES. NO. 83-80

AWARD - PURCHASE
OF THREE PHASE
PADMOUNT
TRANSFORMERS

City Manager Graves presented the following bids which had been received for two 1,500 KVA three-phase padmount transformers:

SEE PAGE 4

RES. NO. 83-81

Council adopted Resolution No. 83-81 awarding the bid for the purchase of two 1,500 KVA, three-phase padmount transformers to R.T.E. Corporation in the amount of \$28,414.36.

THREE-PHASE PADMOUNT TRANSFORMER BID EVALUATION

UD-E83-8

| <u>Supplier</u> | <u>"A"</u> Price w/tax | <u>"B"</u> Cost of Losses | <u>"A" + "B"</u> Life-Cycle Cost | <u>Estimated Delivery (weeks)</u> |
|---|------------------------------|---------------------------------|--|---|
| R.T.E. Corporation Waukesha, WI | \$28,414.36 | \$30,571.50 | \$58,985.86 | 13 |
| Square-D Company Hayward, CA | 30,754.84 | 28,735.80 | 59,490.64 | 12 |
| Westinghouse Elect. Supply Co. Concord, CA | 26,168.94 | 36,275.80 | 62,444.74 | 12-14 |
| McGraw Edison Burlingame, CA | 36,521.24 | 28,026.40 | 64,547.64 | 18 |
| General Electric Supply Co. Emeryville, CA | 37,761.44 | 27,835.90 | 65,597.34 | 12-14 |

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PUBLIC HEARINGS Notices thereof having been published in accordance with law and affidavits of publication being on file in the office of the City Clerk, Mayor Olson called for the Public Hearings to consider:

- a) the recommendation of the Lodi Planning Commission to the City Council that the Final Environmental Impact Report for Sunwest IV, a 52.6 acre mixed Residential or Residential-Institutional Project proposed for the east side of Lower Sacramento Road, Lodi, one-quarter mile north of Kettleman Lane, Lodi, was adequate.
- SUNWEST IV b) the Lodi City Planning Commissions recommendation that Sunwest IV, a 52.6 acre mixed Residential or Residential Institutional Project proposed for the east side of Lower Sacramento Road, Lodi, one-quarter mile north of Kettleman Lane be rezoned to P-D (25), Planned Development District No. 25 with conditions.

The matter was introduced by Community Development Director Schroeder who presented diagrams of the subject area.

Assistant Planner David Morimoto detailed the Final Environmental Impact Report and responded to questions regarding the subject as were posed by the Council.

The following persons spoke on behalf of the subject project:

1. Glen Baumbach, Baumbach and Piazza, 323 W. Elm St., Lodi
2. Wayne Craig, 222 W. Lockeford, Suite 1, Lodi

The following persons spoke in opposition addressing their concerns regarding the traffic flow on Filly Drive, Lodi:

1. Mrs. Renee M. Matson, 911 Laver Court, Lodi
2. Mr. Roy Edwards, 2124 Sunwest Drive, Lodi
3. Dr. Mike Matson, 911 Laver Court, Lodi

There being no other persons in the audience wishing to speak on the matter, the public portion of the hearing was closed.

Following additional discussion, on motion of Council Member Pinkerton, Snider second, Council certified that the Final Environmental Impact Report for Sunwest IV was adequate and established the following findings:

1. The adverse impact of the loss of agricultural land is overridden by the following considerations:
 - prior to the passage of the Measure A growth initiative, the area had been designated for urban development in the Lodi General Plan.
 - there will be sufficient need for additional residential acreage to warrant the conversion of this agricultural land. Based on current projections, the City has a 3.75 year supply of residential acreage. Because of the time required for the election, governmental processing and major utility installations, the first residences in Sunwest IV will not be completed until sometime in 1985. By this time the City will have depleted much of the current supply of residential acreage.

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- all the land surrounding the City of Lodi is prime agricultural land. The Sunwest IV property is contiguous to existing City development and is a logical location for residential development.
- 2. That Lower Sacramento Road, Vine Street and the street within the development will adequately handle the additional traffic generated by this project.
- 3. That the impact of high noise levels adjacent to Lower Sacramento Road will be reduced by requiring special sound reduction design and construction.
- 4. That the L.U.S.D. has acknowledged that an agreement has been entered into with the developer to mitigate the adverse impact of additional school children.
- 5. That the development of Sunwest IV will be contingent on the construction of an adequate storm drain facility to serve the project.

Council Member Pinkerton then moved the introduction of Ordinance No. 1292 rezoning Sunwest IV, a 52.6 acre mixed Residential or Residential-Institutional Project proposed for the east side of Lower Sacramento Road, Lodi, one-quarter mile north of Kettleman Lane, Lodi, California to P-D (25), Planned Development District No. 25 with the following conditions:

- a) that the single-family areas in the project conform to the City's R-1, Single-Family Residential District;
- b) that the cluster homes development be limited to 15 units per acre and conform to the City's R-GA, Garden Apartment Residential District.

ORD. NO. 1292
INTRODUCED

The motion was seconded by Mayor Pro Tempore Snider and carried by the following vote:

Ayes: Council Members - Murphy, Pinkerton, Snider, and Olson (Mayor)

Noes: Council Members - None

Absent: Council Members - Reid

MEASURE TO BE
VOTED ON BY
ELECTORATE

On motion of Council Member Pinkerton, Murphy second, Council adopted Resolution No. 83-82 placing the following measure on the November 8, 1983 ballot to be voted on by the electorate of the City of Lodi:

RES. 83-82

"Shall the Land Use Element of the Lodi General Plan be amended to include Sunwest IV, a proposed 52.6 acre project containing 103 single-family lots, a 7.8 acre parcel for cluster homes and a 4.6 acre parcel for cluster homes or a church site. The project is bounded by Sunwest, Unit No. 3 on the north, the Woodbridge Irrigation District Canal on the east; a line one-quarter mile north of West Kettleman Lane (State Route 12) on the south and Lower Sacramento Road on the West?"

Further, on motion of Council Member Murphy, Snider second, the City Clerk was directed to negotiate with the County Clerk for certain services for the November 8, 1983 election at which time the heretofore listed measure will be voted on.

RECESS

Mayor Olson declared a 5 minute recess and the meeting reconvened at approximately 9:55 p.m.

PLANNING COMMISSION

City Manager Graves gave the following report of the Planning Commission Meeting of July 25, 1983:

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ITEMS OF
INTEREST

The Planning Commission:

ITEMS SET FOR
PUBLIC HEARING

1. Recommended that the City Council amend P-D (17), Planned Development District No. 17 by increasing the density to 30 units per acre with a parking ratio of 1 to 1 to provide for a 96 unit complex for senior citizens to be located on the westerly 484.55 feet of 800 North Church Street.
2. Recommended that the City Council certify the filing of a Negative Declaration by the Community Development Director as adequate environmental documentation on the above project.

ITEMS SET FOR
PUBLIC HEARING

On motion of Council Member Murphy, Snider second, Council set the heretofore listed items for Public Hearing on Wednesday, August 17, 1983 at 8:00 p.m.

The Planning Commission also -

ITEMS OF
INTEREST

1. conditionally approved the request of Ronald B. Thomas on behalf of Arbor Retirement Center for a Use Permit to construct a 49 bed residential care facility on the easterly 126.63 feet of 800 North Church Street in an area zoned P-D (17), Planned Development District No. 17.
2. certified the filing of a Negative Declaration by the Community Development Director as adequate environmental documentation on the above project.
3. by a 3 to 3 vote with Chairman Hoffman absent, denied the request of Tony Canton on behalf of Bocan construction for a Zoning Variance to permit the construction of a non-conforming 16-unit apartment house at the site formerly occupied by the Cosmopolitan Hotel at 100 East Oak Street in an area zoned M-1, Light Industrial.

COMMUNICATIONS

CITY CLERK

ABC LICENSES

Applications for the following Alcoholic Beverage License(s) were received and presented by the City Clerk:

- a) Morales, Antonio Sr./Maria-Elena
Matzatlan Cafe
125 N. Sacramento Street
Lodi, CA 95240
On Sale Beer and Wine Eating Place
- b) Burt, Byron O.
Chandler, Donna L.
Grandma's House
1030 S. Hutchin Street
Lodi, CA 95240
On Sale Beer and Wine Eating Place
- c) Harold Butler Ent. #204, Inc.
Denny's Restaurant, #204
701 East Kettleman Lane
Lodi, CA 95240
- d) Lucky Stores, Inc.
340 West Kettleman Lane
Lodi, CA 95240
Off Sale General
- e) Rodriguez, Tony
Tony's
2525 S. Hutchins, Ste. 10
Lodi, CA 95240
On Sale Beer and Wine Eating Place

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CLAIMS

On recommendation of the City Attorney and R. L. Kautz and Company, Council, on motion of Council Member Murphy, Snider second denied the following claims and referred them back to R. L. Kautz and Company:

Ronald Meier DOL 2/9/83

PUC
APPLICATIONS

City Clerk Reimche presented a copy of the Pacific Telephone and Telegraph Company Notice of Application for Authority to adopt intrastate access charge tariffs and Notice of Amendment to Application for an increase in rates. Discussion regarding this matter followed with no formal action being taken by the Council.

APPEAL SET FOR
HEARING

Following introduction of the matter by the City Clerk, Council, on motion of Mayor Pro Tempore Snider, Pinkerton second, set the appeal of Mr. Tony Canton, c/o Bocan Construction, P. O. Box B-26, Lodi, of the Lodi City Planning Commission's denial for a Zoning Variance to permit the construction of a non-conforming 16 unit apartment house at the site formerly known as the Cosmopolitan Hotel at 100 East Oak Street, Lodi, in an area zoned M-1, Light Industrial for Public Hearing on Wednesday, August 17, 1983 at 8:00 p.m.

COMMENTS BY
CITY COUNCIL
MEMBERSAPPOINTMENT TO
LODI PERSONNEL
BOARD OF REVIEW

Mayor Olson, with the concurrence of the Council, on motion of Mayor Pro Tempore Snider, Pinkerton second, appointed Lorraine Bledsoe to the Lodi Personnel Board of Review for a four-year term expiring June 30, 1987.

LODI PARKS AND
RECREATION
DEPT. APPLAUDED

Mayor Pro Tempore Snider referring to a recent "Letter to the Editor" that appeared in the Lodi News Sentinel applauded the Lodi Parks and Recreation Department for the outstanding job they are doing in providing recreational programs to youth and adults in the community.

MAYOR REPORTS
ON RECENTDEDICATING OF
THE NCPA GEO-
THERMAL PLANT #2

Mayor Olson reported on the recent dedication ceremonies for the NCPA Geothermal Plant #2.

COMMENTS BY THE
PUBLIC ON NON
AGENDA ITEMS

There were no persons in the audience wishing to speak under this segment of the agenda.

REPORTS OF THE
CITY MANAGER

REGULAR CALENDAR

PLANS & SPECS
FOR STADIUM
PARKING LOT
APPROVED

Following introduction of the matter by City Manager Graves and Council discussion, Council, on motion of Council Member Pinkerton, Olson second, approved the plans and specifications for the stadium parking lot and authorized the City Clerk to advertise for bids thereon.

ITEM REMOVED
FROM AGENDA

With the tacit concurrence of the Council, Agenda item K-1 - "Report by United Downtown Improvement District Committee regarding the Proposed Assessment District was removed from the Agenda.

LODI DIAL-A-
RIDE PERFORMANCE
AUDIT RECEIVED
FOR FILING

Council received for filing Performance Audit of the Lodi Dial-A-Ride by the Division of Local Government Fiscal Affairs, Bureau of Streets and Roads.

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AREA OF ORIGIN
LAWS PROTECTING
WATER RIGHTS

At the request of Mayor Olson, Council was in receipt of a letter from Assemblyman Phillip Isenberg regarding a very critical problem involving water resources facing Northern California. The letter pointed out that the federal government is now trying to change California water rights in an effort to vastly improve its water rights in California at the expense of Northern California. Protective laws called the "Area of Origin Laws" adopted many years ago established that Northern California property owners are first in line for water during a drought and the export projects are last in line. The federal government just filed a major lawsuit in federal court to overturn the State's area of Origin Laws. If the federal government's lawsuit is successful, water rights in Northern California are going to be completely restructured. The determining factor on who gets water during a drought would be based on the date of application for water rights.

Following discussion, on motion of Mayor Olson, Murphy second, the City Clerk was directed to write letters to the President of the United States and various legislators regarding the critical problems involving water resources facing California urging the federal government to withdraw this lawsuit.

TRAFFIC SIGNAL
REMOVAL
SCHOOL/OAK
SCHOOL/WALNUT

RES. NO. 83-84

Following receipt of information pertaining to intersection delay studies regarding the intersections of School and Oak, and School and Walnut, which studies were conducted in February 1983 while they were controlled by traffic signals, and again in July, 1983 while they were controlled by 4-way stops, Council, on motion of Council Member Pinkerton, Murphy second, adopted Resolution No. 83-84 approving removing traffic signals at School and Oak and at School and Walnut.

SPUR XING EAST
LODI AVENUE

Mr. Robert L. Griffin, owner of property in the area of East Lodi Avenue and Cluff has located an industry that is interested in coming to Lodi. However, one of the conditions is that Mr. Griffin provide a spur track to the property. Mr. Griffin has, therefore, asked under what conditions he could have that service.

The engineering decision is in agreement with the location shown on a diagram marked "proposed track," but feel that the "alternate location" is in an area that will create future traffic hazards at the intersection of Lodi and Myrtle Avenues and can only recommend approval of the "proposed track."

Other conditions recommended are:

- ° Grade of spur to conform to Lodi Avenue Street grades;
- ° Crossing to be a prefabricated rubberized grade crossing subject to the approval of the Public Works Director;
- ° Crossing to be located such that service could be provided to the Foster Wickes parcel;
- ° Owner to enter into agreement covering construction, maintenance, and any conditions imposed by the P.U.C. now and in the future

A lengthy discussion followed with questions being directed to Staff and to Mr. Griffin who was in the audience.

APPROVAL OF
SPUR CROSSING
E. LODI AVE.

Following discussion, on motion of Council Member Pinkerton, Murphy second, Council adopted Resolution No. 83-83 approving the installation of a private spur track on E. Lodi Avenue with the following conditions:

- RES. NO. 83-83 a) The grade of spur is to conform to Lodi Avenue Street grades
- b) The owner of the subject property is to enter into an agreement covering construction maintenance and any conditions imposed by the PUC now and in the future. Council determined that the property owner should have the choice of whether or not they chose to negotiate with Foster-Wickes for location of the crossing so that service could be provided to both parcels.

ORDINANCES

LAND USE ELEMENT
OF GENERAL PLAN
AMENDED 1900
ET SEQ SOUTH
CHURCH STREET
AND REZONING

Ordinance No. 1290 - An Ordinance amending the Land Use Element of the Lodi General Plan by redesignating 1900, 1904, 1905, 1907, 1908, 1909, 1910, 1911, 1916, and 1920 South Church Street, Lodi, from Low Density Residential to Medium Density Residential having been introduced at a regular meeting of the Lodi City Council held July 20, 1983 was brought up for passage on motion of Council Member Pinkerton, Murphy second. Second reading of the Ordinance was omitted after reading by title, and the Ordinance was then adopted and ordered to print by the following vote:

ORD. NO. 1290
AND 1291
ADOPTED

Ayes: Council Members - Murphy, Pinkerton, Snider, and Olson (Mayor)

Noes: Council Members - None

Absent: Council Members - Reid

Ordinance No. 1291 - An Ordinance rezoning 1900, 1904, 1905, 1907, 1908, 1909, 1910, 1911, 1916, and 1920 South Church Street, Lodi, from R-1, Single Family Residential to R-Md, Medium Density Multiple Family Residential having been introduced at a regular meeting of the Lodi City Council held July 20, 1983 was brought up for passage on motion of Council Members Pinkerton, Murphy second. Second reading of the ordinance was then adopted and ordered to print by the following vote:

Ayes: Council Members - Pinkerton, Snider, Murphy, and Olson (Mayor)

Noes: Council Members - None

Absent: Council Members - Reid

ADJOURNMENT

There being no further business to come before the Council, Mayor Olson adjourned the meeting at approximately 10:45 p.m.

Attest:

Alice M. Reinche
Alice M. Reinche
City Clerk